

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

<p>NATHAN JOVON SCOTT, #01873387, Petitioner,</p> <p>vs.</p> <p>MICHAEL BRITT, Respondent.</p>)
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	No. 3:22-CV-1163-G (BH)
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	Referred to U.S. Magistrate Judge ¹

**RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

Before the Court is the petitioner's *Application to Proceed In Forma Pauperis* on appeal, received on July 26, 2022 (doc. 9).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the findings, conclusions, and recommendation filed in this case on June 16, 2022 (doc. 5). The request should also be denied because the petitioner has not established that he is a pauper under 28 U.S.C. § 1915(a), which provides that a prisoner seeking to appeal a judgment in a civil action "shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the . . . notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined." The petitioner has provided no such statement or institutional equivalent.

If the Court denies the request to proceed *in forma pauperis* on appeal, the petitioner may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

¹ By Amended Miscellaneous Order No. 6 (adopted by Special order No. 2-59 on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred.

SIGNED this 2nd day of November, 2022.



IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE